

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VERONICA GUTIERREZ, ERIN
WALKER, and WILLIAM SMITH, as
individuals and on behalf of all others
similarly situated,

Plaintiffs,

v.

WELLS FARGO & COMPANY,
WELLS FARGO BANK, N.A., and
DOES 1 through 125,

Defendants.

No. C 07-05923 WHA

CLASS ACTION

**REQUEST FOR FURTHER
BRIEFING RE VALIDITY OF
RELEASE IN *SMITH* CASE**

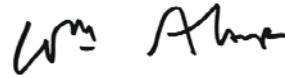
Although it may be unnecessary to reach this issue, the Court now invites both sides to submit points and authorities on the question of the extent to which, if at all, the class action release and judgment in *Smith v. Wells Fargo Bank, N.A.* (Case No. GIC 802664) bar any of the claims asserted at trial.

In this connection, also please address whether this determination is for this Court to make or for Judge Prager to have made. Both sides may submit additional materials not admitted at trial that may be subject to a request for judicial notice. Argument must be limited to ten pages, double-spaced. Materials subject to a request for judicial notice must be kept to a minimum and submitted via an accompanying declaration.

Responses must be filed **BY NOON ON MONDAY, JULY 26, 2010**. Replies, limited to five pages, double-spaced, must be filed **BY NOON ON WEDNESDAY, JULY 28**.

IT IS SO ORDERED.

Dated: July 20, 2010.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE